IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 34240 of 2007(A)

OS.3224/2003 of PRL.MUNSIFF COURT,THRISSUR
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PETITIONER:

K.K.RAJAN, S/O.KATTIPPURA KUTTAPPAN,
GROCERY MERCHANT, ROOM NO.XVII/616,
CHERPU, THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
SMT.P.M.CHITHRA

RESPONDENT:

K.K.BALAN, S/O.KATTIPPURA KUTTAPPAN,
CHEVOOR VILLAGE, PERUMBILLYSSERY P.O.,
THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 34240 OF 2007

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Dated this the 21st day of November, 2007.

J U D G M E N T

This writ petition is filed against the order of the Munsiff, Thrissur in I.A.6694/07 and I.A.6658/07. These applications are one for reopening the evidence and the second is for accepting the witness list and enabling the plaintiff to adduce further oral testimony. By virtue of these applications the plaintiff wants to summon Assistant Executive Engineer, BSNL to prove that the phone number 2344288 was in the name of the plaintiff etc. The reason for filing these applications is that when the defendant was examined he had stated that it is some other Rajan and not the plaintiff. If the phone connection is in the name of the plaintiff there will be document with the plaintiff to establish the same and he could have produced and proved it. The conduct of the writ petitioner would reveal that he is in the habit of filing applications after applications and after

dismissal of the same approach this Court for further redressal of the grievance. By amendment to the Code of Civil Procedure in 2002 certain restrictions were imposed for speedy implementation of justice. The Code specifically prescribe, when a witness list is to be filed, when documents are to be produced etc. The factum that the phone number belongs to the plaintiff if correct is known to him much earlier, he would have produced documents or adduced evidence at that stage and not on the basis of a reply given in cross-examination by the defendant. I am in agreement with the learned Munsiff in rejecting the applications and therefore the writ petition is dismissed.

M.N. KRISHNAN, JUDGE.

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